

STEVEN W. MYHRE
Acting United States Attorney
Nevada Bar No. 9635
MICHAEL A. HUMPHREYS
Assistant United States Attorney
U.S. Attorney's Office
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Facsimile: 702-388-6787
Email: *michael.humphreys@usdoj.gov*
Attorneys for the United States

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:17-CV-344-JAD-(CWH)
)	
Plaintiff,)	
)	
v.)	
)	
\$417,073 IN UNITED STATES)	United States' Unopposed Motion To
CURRENCY seized from the premises of)	Continue CAFRA Deadline
2656 North Ontario Street, Las Vegas)	
Nevada;)	(Seventh Request)
)	
\$28,230.05 IN UNITED STATES)	
CURRENCY seized from J.P. Morgan)	
Chase Account No. xxxxxxx2849;)	
)	
\$21,146.37 in UNITED STATES)	
CURRENCY seized from J.P. Morgan)	
Chase Bank Account No. xxxxxx5561;)	
)	
Defendants.)	

COMES NOW the United States of America and moves this Court to extend the CAFRA (Civil Asset Forfeiture Reform Act) deadline for the Government to file its forfeiture complaint, *in rem*, for 90 days, or until March 18, 2018. The current CAFRA deadline for the Government to file its complaint is December 17, 2017.

This is the Government's Seventh request for an extension of the CAFRA deadline. Initially, this Court granted a 60-day continuance until April 11, 2017. The parties have agreed

1 to previous extensions of time as they fastidiously attempt to resolve their differences regarding
2 this seizure of nearly one-half million dollars in monetary assets. This iteration of a continuance
3 motion is based upon the Government's efforts to procure business bank records for G-One
4 Smoke Shop and personal bank records for Zalmay Basharyar, the owner of G-One Smoke Shop
5 and the administrative claimant of all of the seized cash.

6 This motion is unopposed by Claimants' Counsel.

7 Pursuant to 18 U.S.C. 983(a)(2)(E), the United States has 90 days to file a civil complaint
8 if an interested party files a timely administrative claim with the seizing agency. In this case,
9 Immigration and Customs Enforcement seized the above-referenced defendants on August 17,
10 2016; and the claimants, Zalmay and Sona Basharyar, filed administrative claims with the
11 Department of Homeland Security (United States Customs and Border Patrol) on November 10,
12 2016. As such, the United States was obliged to file its civil complaint in this case by February
13 10, 2017. In an uncontested motion filed on February 3, 2017, the United States requested an
14 additional sixty (60) days to file a civil forfeiture complaint in this case because it (the United
15 States) was still in the process of determining whether there was/is sufficient evidence to file
16 such a complaint. The United States has gathered and is analyzing evidence, specifically bank
17 and tax records as well as Nevada state employment agency records to determine, in general,
18 whether it can meet the burden of the preponderance of evidence necessary to file a complaint;
19 and in particular, whether there is a basis upon which the parties can reach an out-of-court
20 settlement.

21 Since this Court granted the most recent continuance motion, November 2, 2017, the
22 Government is working in conjunction with the Claimant's counsel to secure bank records from
23 2005 to approximately 2011. The Government already has the Claimant's business and personal
24 bank records from 2011 forward. Analysis of these earlier bank records is necessary to
25 determine the accuracy and authenticity of the Claimant's assertion about the source of his
26 income. Claimant, through his counsel, has pledged to cooperate with the Government to secure

1 these earlier bank records, which, because of their age and their formatting of storage may take
2 additional time for the bank to produce.

3 As noted above, verification and analysis of the records will facilitate the settlement
4 discussions one way or the other regarding the extent to which the seized funds can be traced to
5 legitimate (or illegitimate) sources. Once the bank records have been received by the
6 Government, it will take the financial analyst at the Department of Homeland Security some time
7 to analyze the records depending on the volume of records that the bank produces, that spans a
8 six-year period. He will then present his findings and conclusions to the United States Attorney
9 for litigation evaluation.

10 Accordingly, the United States requests an additional 90 days (or until March 18, 2018)
11 to complete its financial analysis and determine whether to file a complaint in this matter.

12 Counsel for the Government has consulted with the Claimant's counsel, Gabriel Grasso,
13 and he has authorized Government counsel to represent to this Court that he does not object to
14 this motion.

15 This motion is not submitted solely for the purpose to delay or for any other improper
16 purpose.

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1 WHEREFORE, for all of the reasons stated above, the United States moves this Court to
2 continue the CAFRA deadline ninety (90) days or until March 18, 2018.

3 Dated: December 18, 2017

4 STEVE W. MYHRE
5 Acting United States Attorney

6 /s/ Michael A. Humphreys
7 MICHAEL A. HUMPHREYS
8 Assistant United States Attorney

9 IT IS SO ORDERED:

10 DATED: December 19, 2017
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14 UNITED STATES MAGISTRATE JUDGE